

Remarks

The present Amendment is submitted in response to the final Office Action dated January 27, 2009, which set a three-month period for response.

Claim 3 is amended to address a formal matter. Claims 1, 3-9 and 11-16 remain pending hereinafter, where claim 1 is the sole independent claim.

The Specification is amended at the paragraph beginning at line 1 of page 7 to identify that slider crank (23) is a Scotch Yoke slider crank in response to the objection to the Specification, and the rejection of claim 1 under 35 USC §112. Accordingly, applicants respectfully request withdrawal of the objection to the Specification, and withdrawal of the rejection of claim 1 under 35 USC §112, first paragraph.

The final Office Action rejects claims 1, 3-9, 11-12, 14 and 15 under 35 USC §103(a) over US Patent No. 7,331,407 to Stirm, et al. (Stirm) in view of US Patent No. 3,650,336 to Koehler (Koehler), claim 13 under 35 USC §103(a) over Stirm in view of Koehler in view of US Patent 1,901,981 to Ousback (Ousback), and claim 16 under 35 USC §103(a) over Stirm in view of Koehler in view of US Patent 4,828,046 to Pyatove (Pyatove).

In response, applicants respectfully submit that claims 1, 3-9 and 11-16 are patentable over Stirm in view of Koehler, over Stirm and Koehler further in view of Ousback and over Stirm and Koehler further in view of Pyatov, for at least the following reasons.

Independent claim 1 call outs an electric power tool, in particular an electric hammer, having a drive unit (11) contained in a housing (10), an impact mechanism (12), and a handle (13), including a cam (14) that is driven by the drive unit (11); the impact mechanism (12) has a piston (15) and a striker (16) and arranged to be moveable inside a separate guide cylinder (17) that is stationary in relation to the piston (15), striker (16) and the cam (14). The piston (15) is connected to the drive unit (11) by a drive element (18) and a Scotch Yoke slider crank (23) is provided to transmit the force between the cam (14) and the drive element (18).

Stirm discloses a vibration reduction apparatus for use with a hammer tool comprising a hammer piston that reciprocates in a cylinder by rotation of a gear wheel and crank drive, the hammer piston driven by a wobble plate (751) mounted to drive shaft (752). Stirm's Fig. 8 shows a vibration reduction mechanism (701) and counterweight (721) in chamber (750) adjacent piston cylinder (730).

With respect to claim 1, the Examiner asserts that Stirm fails to disclose that piston 720 is connected to Stirm's drive unit by a Scotch Yoke slider crank provided to transmit the force between cam 752 and a drive element. The Examiner then asserts that Koehler's piston [26] is connected to drive unit [22] by a Scotch Yoke slider crank [196] to transmit force between a cam and a drive element, and that the skilled artisan would have found it obvious to combine

Koehler teachings with Stirm's to realize the claim 1 power tool. Applicants respectfully disagree.

That is, applicants claim that piston (15) is connected to the drive unit (11) by a drive element (18) and a Scotch Yoke slider crank (23) is provided to transmit the force between cam (14) and the drive element (18). Koehler does not teach or suggest that its piston [26] is connected to its drive unit [22] by a drive element and the Scotch Yoke motion converting mechanism [196] to "transmit force between a cam and drive element," as claimed.

Koehler's Scotch Yoke motion converting mechanism [196] includes transversely extending crosshead [198], which is **integrally** formed of rear wall member [200] of piston [26]. There is no drive element configured to operate as claimed. That is, neither Stirm nor Koehler teach or suggest an equivalent to applicants' claimed drive element (18), for connecting a Scotch Yoke motion converting mechanism to a piston.

While the Examiner asserts that Koehler's piston [26] is connected to the drive unit [212] by a cam (cam mechanism [203, 204]), applicants again respectfully disagree. Element [203] is a crankpin, element [204] is a crankshaft and element [212] is a pin. Koehler's crankshaft [204] **directly** drives the Scotch Yoke motion converting mechanism [196], integrally formed as part of piston [26]. Hence, Koehler does not teach or suggest a "Scotch Yoke slider crank that transmits force between the cam and drive element," as claimed.

Moreover, Kohler's piston [26] and free floating driver [30] are not seen to be moveable inside a separate guide cylinder that is stationary in relation to the piston and driver. The free floating driver is contained within the moving piston [26]. For that matter, Stirm, like applicants' invention as claimed, is designed with a piston and striker that are moveable inside a separate guide cylinder that is stationary in relation to the piston and striker. Both Stirm's hammer tool and Koehler's Scotch Yoke motion converting mechanism [196] would require significant modification before they could be combined, and configured to function as are the elements of applicants' invention, as claimed.

Hence, applicants respectfully assert that it would not have been obvious to combine Koehler with Stirm, and even if combined, that the combination would not realize the invention as claimed. Independent claim 1 is therefore patentable under 35 USC §103(a) over Stirm in view of Koehler. Claims 3-9, 11, 12, 14 and 15, which depend from claim 1, also are patentable under section 103(a) over Stirm in view of Koehler, for at least the same reasons. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1, 3-6, 9, 11, 12, and 14 over Stirm in view of Koehler.

In response to the rejection of claims 13 and 16 over Stirm and Koehler further in view of Ousback, and further in view of Pyatov, respectively, applicants respectfully assert that Ousback and Pyatov suffer the same shortcomings of Stirm combined with Koehler, as stated above. That is, both Ousback and Pyatov, like Stirm combined with Koehler, fail to disclose, teach or suggest a

piston (15) connected to the drive unit (11) by a drive element (18) and a Scotch Yoke slider crank (23) provided to transmit force between the cam (14) and the drive element (18).

Applicants, therefore, respectfully request the withdrawal of the rejections of claims 13 and 16 under section 103(a) by the Stirm/Koehler combination stilled further combined with Ousback, and with Pyatov, respectively.

Accordingly, the application as amended, including pending claims 1, 3-9 and 11-16, is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,

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